

JANUARY 27, 1808.

Read the first and second time, and committed to a committee of the whole House, on Monday next

A Bill,

Authorizing the president of the United States to raise a provisional army.



1 Sec. 1. *BE it enacted by the senate and house of representatives of*
2 *the United States of America, in congress assembled, That the*
3 president of the United States be, and he is hereby authorized,
4 in the event of a declaration of war against the United States, or
5 of actual invasion of their territory by a foreign power, or of im-
6 minent danger of such invasion discovered in his opinion to exist,
7 before the next session of congress, to cause to be enlisted, and to
8 call into actual service, a number of troops not exceeding
9 thousand non-commissioned officers, musi-
10 cians and privates, to be enlisted for a term not exceeding
11 years, each of whom shall be entitled to receive a bounty of ten

12 dollars, one half on enlisting, and the other half on joining the corps
13 to which he shall belong.

1 *Sec. 2. And be it further enacted,* That the president be, and
2 he is hereby authorized to organize with a suitable number of
3 major generals, and conformably to the military establishment of
4 the United States, the said troops into corps of artillery, cavalry and
5 infantry, as the exigencies of the service may require: and in the
6 recess of the senate, alone to appoint the commissioned officers.
7 The appointment of the field-officers to be submitted to the advice
8 and consent of the senate, at their next subsequent meeting. The
9 commissioned and non-commissioned officers, musicians and pri-
10 vates raised in pursuance of this act, shall be subject to the rules
11 and articles of war, and regulations for the government of the army;
12 and be entitled to the same pay, clothing, rations, forage and all
13 other emoluments, bounty excepted, and in case of wounds or
14 disability received in service, to the same compensation, as the troops
15 of the United States are by law entitled.

1 *Sec. 3. And be it further enacted,* That whenever the president
2 shall deem it expedient, he is hereby empowered to appoint, by and
3 with the advice and consent of the senate, a commander of the
4 army which may be raised by virtue of this act, and who being
5 commissioned as lieutenant-general, may be authorized to command
6 the armies of the United States, and shall be entitled to the follow-
7 ing pay and emoluments, viz.

9 who shall have authority to ap-
 10 point from time to time, such number of aids, not exceeding four,
 11 and secretaries, not exceeding two, as he may judge proper, each
 12 to have the rank, pay and emoluments of a lieutenant-colonel.

1 Sec. 4. *And be it further enacted,* That whenever the president
 2 shall deem it expedient, he is hereby empowered, by and with the
 3 advice and consent of the senate, to appoint an inspector-general
 4 with the rank of major-general, and the major-generals and inspector-
 5 general shall each be entitled to the following pay and emoluments,
 6 viz.

7
 8 and shall be, and they are hereby autho-
 9 rized to appoint two aids, each of whom shall have the rank, pay
 10 and emoluments of a major. And at the time aforesaid, the pre-
 11 sident is further empowered, by and with the advice and consent of
 12 the senate, to appoint an adjutant general, who shall have the rank,
 13 pay and emoluments of a brigadier-general, and the president is
 14 hereby authorized alone to appoint from time to time, when he shall
 15 judge proper, assistant inspectors to every separate portion of the
 16 army, consisting of one or more divisions, who shall be deputy
 17 adjutant-generals thereof respectively, and who shall be taken from
 18 the line of the army, and allowed in addition to their pay, eight
 19 dollars per month; and likewise to appoint inspectors and sub-in-
 20 spectors to each brigade and corps of every description, at his dis-
 21 cretion, taking them from the line of the army, and they shall each
 22 receive while acting in said capacity, an additional pay of
 23 dollars per month.

1 Sec. 5. *And be it further enacted*, That in case the president
 2 shall judge the employment of a quarter-master general, physician-
 3 general and pay-master general, or either of them, essential to the
 4 public interest, he is hereby authorized, by and with the advice and
 5 consent of the senate, to appoint the same accordingly, who shall be
 6 entitled to the rank, pay and emoluments which follow, viz. Quar-
 7 ter-master general, the rank, pay and emoluments of a lieutenant-
 8 colonel; physician-general and pay-master general, each the pay
 9 and emoluments of a lieutenant-colonel: *Provided*, That in case the
 10 president shall judge it expedient to appoint a commander of the
 11 army, an inspector-general, adjutant-general, quarter-master gene-
 12 ral, physician-general and pay-master general, or either of them,
 13 in the recess of the senate, he is hereby authorized to make any or
 14 all of said appointments and grant commissions thereon, which shall
 15 expire at the end of the next session of the senate thereafter.

1 Sec. 6. *And be it further enacted*, That the laws of the United
 2 States, respecting the regulations and emoluments of recruiting
 3 officers; punishment of persons who shall procure or entice a sol-
 4 dier to desert, or shall purchase his arms, uniform, clothing, or
 5 any part thereof; and the punishment of every commanding officer
 6 of any ship or vessel who shall receive on board his ship or ves-
 7 sel as one of his crew, knowing him to have deserted, or other-
 8 wise carry away any soldier, or refuse to deliver him up to the
 9 orders of his commanding officer; and the law respecting the oath
 10 or affirmation to be taken by officers, non-commissioned officers,
 11 musicians and privates; and respecting the inserting of conditions

12 in the inlistments ; and all other laws respecting the military esta-
 13 blishment of the United States, excepting in such cases where dif-
 14 ferent and specific regulations are made by this act, shall be in force
 15 and apply to all persons, matters and things within the intent and
 16 meaning of this act, in the same manner as they would, were they
 17 inserted at large in the same.

1 *Sec. 7. And be it further enacted,* That the commander of the
 2 army, inspector-general, adjutant-general, quarter-master-general,
 3 physician-general and paymaster-general, and the general, field and
 4 commissioned officers who may be appointed by virtue of this act,
 5 shall respectively continue in commission during such term only as
 6 the president shall judge requisite for the public service ; and that
 7 it shall be lawful for the president to discharge the whole or any
 8 part of the troops, which may be raised or accepted under the au-
 9 thority of this act, whenever he shall judge the measure consistent
 10 with the public safety.

1 *Sec. 8. And be it further enacted,* That no commissioned or staff
 2 officer, who shall be appointed by virtue of this act, shall be enti-
 3 tled to receive pay or emoluments until he shall be called into ac-
 4 tual service, nor for any longer time than he shall continue therein:
 5 *Provided,* nothing in this section shall be construed to prevent cap-
 6 tains and subalterns from receiving pay and emoluments while em-
 7 ployed in the recruiting service : *And provided also,* that no inlist-
 8 ment shall take place by virtue of this act after three years from
 9 the passing thereof.

1 Sect. 9. *And be it further enacted,* That the private soldiers who
2 are and who shall be inlisted and employed in the service of the Uni-
3 ted States, shall be, and they are hereby exempted, during their term
4 of service, from all personal arrests for any debt or contract. And
5 whenever any soldier shall be arrested, whether by mesne process,
6 or in execution, contrary to the intent hereof, it shall be the duty
7 of the judge of the district court of the district in which the arrest
8 shall happen, and of any justice of the supreme court of the United
9 States, and of any court or judge of a state, who, by the laws of
10 such state, are authorized to issue writs of habeas corpus, respec-
11 tively, on application by any officer of the corps in which such sol-
12 dier shall be engaged, to grant a writ of habeas corpus returnable
13 before himself; and upon due hearing and examination, in a sum-
14 mary manner, to discharge the soldier from such arrest, taking
15 common bail, if required, in any case upon mesne process, and
16 commit him to the applicant or some other officer of the same corps.